

MEMORANDUM ENDORSED



6911 18TH AVENUE
BROOKLYN, NEW YORK 11204
TELEPHONE (718) 232-1250
FAX (718) 256-0966

ALFRED POLIZZOTTO (1935-2001)
ALFRED POLIZZOTTO III*

EMILIO RODRIGUEZ

*(ADMITTED NEW YORK, NEW JERSEY)

LONG ISLAND OFFICE
1129 Northern Boulevard, Ste 404
Manhasset, New York 11030

VIA ELECTRONIC FILING

September 20, 2024

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: Request for extension of email production deadline
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162**

Dear Judge Gorenstein,

This letter is written to request an extension of the deadline of production of email accounts belonging to the defendant, as ordered during the conference with the court dated September 6, 2024, presently set for September 20, 2024.

Paragraph 1.E of the Court's Individual Rules and Practices states requests for extensions of deadlines must state (1) the date or dates sought to be extended, (2) the number of previous requests for extensions, (3) the reason for the extension, and (4) whether the adversary objects and, if so, the reasons given by the adversary for objecting.

This is the first request for an extension of the email production deadline. The extension is needed so the Defendant can complete the collection and production of emails from the accounts indicated at the conference with the court dated September 6, 2024. We logged on to Mr. Victor's email sites with the provided user names and passwords and the gross number of emails (a cursory review of which revealed numerous privileged items) were in excess of 1,000.

PLEASE RESPOND TO BROOKLYN OFFICE

Plaintiff was consulted yesterday and today. He was asked numerous times if he consents to the extension and has refused to answer. Therefore, we decided to submit our request before more time had passed.

This letter proposes a change of the email production deadline from September 20, 2024, to October 20, 2024.

Yours faithfully
Polizzotto & Polizzotto, LLC

Emilio Rodriguez
Emilio Rodriguez

Alfred Polizzotto III
Alfred Polizzotto III

The requests for extensions in Docket # 287 and 288 are denied in their current form as the filings fail to show “good cause” as required by Fed. R. Civ. P. 6(b). Mr. Polizzotto and Mr. Rodriguez are directed to file by September 27, 2024, sworn statements explaining all efforts that have been made to comply with the Court’s September 6, 2024, order regarding production. The explanation shall provide a date for each act alleged to have been undertaken and a full description of the act. Also on that date, these attorneys shall file a letter that explains in detail what steps will be taken in the future to comply with the Court’s order, and identify who will take those steps, by what means, and what is the fastest possible time frame to comply with the Court’s Order. Plaintiff may respond to these filings on or before September 29, 2024.

So Ordered.

Gabriel W. Greenstein
GABRIEL W. GREENSTEIN
United States Magistrate Judge

September 25, 2024